

Some Thoughts on the Party-List System's Way Forward

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Introduction

Whoever was out there before the last elections to subjugate the very concept and essence of marginalized sectors' representation in the House of Representatives must be running out of ideas. The recent attempt in the last elections to fund and field Party-list organizations with dubious backgrounds and alleged to be part of the Malacañang's political machinery to silence progressive party-list groups in the Congress may have had some success. But the strategic backlash is written all over it as well.

Just like what happened with the Charter Change move last December where the majority tried to ram down our throats this decision through a discredited process, the recent attempt to hijack the party-list system by negating the very concept of the system is dead. In the future, attempts to revisit this method of putting up so-called party-list groups with highly questionable backgrounds cannot anymore progress as this modus operandi has already been exposed. A more critical watch over COMELEC in this regard will force it to be more discerning rather than accommodating to vested interests. The hasty departure of former COMELEC Chairman Benjamin Abalos is one recent welcome development and could be a step toward the start, yes, just the start because there is no guarantee, of reforms in this electoral regulatory body.

Paradoxes

Two probably worn -out paradoxes characterizes our party-list system at present. Allow me to mention them to you because these sum up, in my mind, the problems besetting the party-list system and the groups in it.

Paradox 1: Under-representation

The Party-list system is in spirit intended for the marginalized sectors of our society, yet the present law and set-up in effect legalizes this marginalization.

There is no question as to the intent of the law. The cost of getting elected to the Congress is prohibitive that well-meaning groups, particularly those that (purport to) represent the marginalized sectors of our society, have virtually very limited chance of winning. But after 10 years since it was implemented, one gets the sense of the following:

1. "Representational tokenism" [Rivera, 2007]
2. Outright under-representation of the party-list groups

As to the first, this is one inherent limitation of the party-list law. Limiting the representation of marginalized sectors to 20 percent 'in a political framework far removed from – if not intolerable to – the kind of grassroots democracy fostered by the party-list system", as Ely Manalansan puts it, "will be too difficult for party-list representatives to pass strategic social reforms in the country." [Manalansan, 2004] Without a significant corresponding set of reforms in the House of Representatives, whose decision-making process, especially on groundbreaking initiatives of national significance, may be reduced to numbers game, party-list groups, given their limited number of representatives, even assuming all of them will vote in unison, will hardly make any headway with their reform initiatives.

Representational tokenism, as Temario Rivera calls it, may be the appropriate way to describe this situation. When the Party-list law was passed and eventually materialized in spite of its imperfections, many placed hoped in it albeit without any illusion that, as such, it would be a catalyst for strategic changes in the country. For various motivations, many party-list groups participated in 1998, 2001, 2004 and 2007 elections.

In hindsight, however, one gets to ask the question 'How far have the party-list groups represented in the House of Representatives gone in terms of fulfilling their mandates to emancipate the marginalized sectors, whose interests they swore to protect and uphold?" Looking at how party-list representatives performed in the last 10 years, there is some validity in the view that they hardly made progress, having been reduced to a voice in the wilderness, where while allowed to speak out their advocacies through legislations and positions on various issues, they failed to muster the sufficient political force to realize these advocacies. Some party-list representatives may have had surplus of political will, but their thin number did not allow them to pass enough meaningful legislations.

Besides, the party-list representatives are not a cohesive whole. In fact, they differ in positions on many issues, becoming rather a microcosm of the incoherent stands on issues of the marginalized sectors they represent in the larger society.

With regard to the second, under-representation is very apparent in the absolute number of party-list leaders elected to the House of Representatives, i.e. an average of only 13 party-list representatives since 1998. In 2004, there were all in all 52 seats allocated for them. This under-representation is accounted for by the two-percent threshold and the maximum cap of three representatives from each Party-list group. In effect, many votes for the party-list groups were simply wasted.

Many studies like the papers of Ateneo math professor Felix Muga II have dwelt into this problem of under-representation since the party-list law has been enacted into law in 1995 and the first election of party-list representatives in 1998. The limitations of the Party-List Law are well known to stakeholders and efforts to address these limitations

have been forthcoming, especially from the ranks of party-list groups, but yielded minimal results thus far.

Paradox 2: Under-appreciation

The Party-list system is by design for the empowerment of the marginalized sectors, yet it is significantly under-appreciated by these sectors that comprise the biggest chunk of the voting population

This is basically a function of basic, adequate and correct information on the party-list system, which has been lacking, or, if at all, few and far between. Naturally, a comprehensive and systematic education drive on the party-list system is an ideal measure to take if only to fill this lingering information gap.

The scarce and unsystematic, if any, information drive on the party-list system may be safely assumed to be a partial cause of the dismal turn-out of votes for the party-list groups as electoral results demonstrated over time.

What is bothersome however in this respect is the low level of appreciation (or under-appreciation) of the party-list system by the marginalized sectors themselves. It becomes quite alarming when those who are supposed to directly or indirectly benefit from the system fail or could not appreciate the system themselves.

Unfortunately, this goes beyond information drive. I suppose the greater majority of them do have knowledge (no matter how little and sometimes distorted) of the party-list system given the levels of campaigning party-list groups conducted in the last four elections from 1998.

It also goes beyond the negative campaign mounted by the administration and its allies against the progressive blocs in the party-list system. Because if this were so, people who bought in to this negative campaign could have easily switched to other party-list groups and in the process still upped the percentage of the turn-out of votes for party-list groups.

The deeper reason I think is that there is yet a glaring disconnect between party-list groups and the people, particularly the marginalized ones, whom the party-list groups vow to hope to reach out to, serve and protect.

This is so for a couple of reasons. First, people may be thinking that party-list groups are just part of the system and not the *alternative* kind of representatives who will stand up for their rights and welfare. Undoubtedly, there were shining moments especially in the last Congress where the party-list groups figured prominently as principled and steadfast in their position to impeach the incumbent President on the account of the

alleged massive electoral fraud. But this may be deemed as part of the administration-opposition commonly expected tussle for power and public opinion.

Second, party-list groups seem to have fallen short in capturing the imagination of the public, in general, and even that of their intended constituents. We can probably say that the progressive party-list groups still heavily relied on their mass base with minimal expansion among the unorganized marginalized sectors beyond their bailiwicks. Worse, in the most recent election, to varying extents, this mass base even dwindled in numbers.

Maybe a study of how much votes for the party-list groups, usually fragmented and spread among many but small party-list organizations, have been wasted in the past elections. This comprises already a very significant vote for the progressive party-list organizations to draw.

It would be much better to see in the future that the biggest chunk of the electorate that would vote for party-list groups would be concentrated among the tested party-list organizations rather than distributed among small ones with dubious backgrounds and financial sources. But of course, this is also contingent to the abolition of the maximum cap of three representatives per party-list organization to allow those tested party-list groups more representation as they grow through the years. Their growth must be viewed as their rightful and deserved dividend for their political integrity and meaningful legislative performance that ultimately merited their constituents' adherence.

Party-List Reforms Proposals

I wish to dwell more on the issues of under-appreciation of the party-list system and improve the overall performance and appreciation of the sectoral representation in our society in the next few years. Having said this, let me point out that the reform-oriented provisions being introduced by well-meaning groups and individuals, which to my mind would address the issue of under-representation, should be pursued without letup until they come to fruition.

1. Greater Focus on Sectoral Representation

Once we are able to define what, which and who the marginalized sectors are, I think it is high time to give more focus on sectoral organizations of these marginalized sectors. While the concept of multisectoral party-list groups remains valid, this should pave the way in time for the emergence of marginalized sectoral groups. I view the succeeding six years to be a transition period in this respect. The concept is very simple: farmers should be represented by farmers, workers, by those from their ranks, fisherfolks, by those marginalized in this industry, and so on and so forth. This is a step toward

recognition of the capacity of each sector to articulate and push for its own sectoral reform agenda. Each sector, however marginalized is teeming with leaders of the required caliber.

In the ensuing automation of the electoral system in the Philippines, there must be new registration of all voters during which each voter will define the sector he or she belongs to or his/her *sector preference*. He or she could opt to belong to any of those duly recognized marginalized sectors or choose to be classified as *multisectoral*. This will be his/her badge to vote for any party-list organization for his/her preferred sector and be voted as its representative.

2. Integrated and Sustained Information Campaign on Party-List System

For COMELEC to have an annual budget allocation that is devoted solely for the sustained education and information drive among the voting population on the party-list system. The COMELEC must form a multi-stakeholders' council to flesh out this long-term educational program.

3. Benchmarking Party-List System

Internally and by their own volition, party-list organizations would need to strive for continuous improvement of its operations. Coming up with agreeable set of operational and organizational standards in the functional areas such as Party-list organization *in the electorate*, party-list group *as an organization* and party-list organization *in government* [Key, 1964], would provide the guideposts for them to consistently improve their organization and operation.

Such benchmarks should form part of the information and education drive among the voting population to ensure the people would appreciate the best standards for party-list organizations, against which they could measure and gauge the performance of certain party-list organizations.

4. Political/Social Audit

I think it is worthy to consider subjecting party-list groups to regular social audit. Social audit could be a powerful tool to ensure that party-list groups remain steadfast and loyal to their publicly sworn mandate. This could also be an instrument to expose pseudo party-list groups posing as defenders of the marginalized sectors they are supposed to represent. In the past decades, this tool has made inroads into the development work, yet it remains underutilized here in the Philippines.

When proven effective for party-list groups, this kind of auditing must extend to national and local political parties without prejudice and exception.

Social audit would require party-list groups to constantly review their performance vis-à-vis their mandate. It is “a way of measuring and reporting on an organization's social and ethical performance.” For real party-list groups, this should not be difficult as they have been making their own *Ulat Sa Bayan* over the years summarizing and assessing their accomplishments and performances before their constituents. But for those party-list groups that made it to the House of Representatives, for interests other than the marginalized sectors they purport to serve, this task of social audit should prove much harder and more complex. Should suspected pseudo-party-list groups pass the social audit standards, then they should be welcomed as partners in development and be encouraged to remain so and sustain this developmental direction.

Social audit must be conducted by a third-party that may be formed.

Once they materialize, I hope these measures, along with the reform provisions in the Party-List Law dealing with the issues of under-representation, will improve not only the image and appreciation of the party-list system and organizations in it, but also the absolute number of representatives that may be elected through this system and ultimately, their performance as legislators in the service of the marginalized sectors of our society.

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